



|   |                       |
|---|-----------------------|
| ENTERED                                       | RECEIVED<br>SERVED ON |
| COUNSEL/PARTIES OF RECORD                     |                       |
| JUN - 8 2020                                  |                       |
| CLERK US DISTRICT COURT<br>DISTRICT OF NEVADA |                       |
| BY:   | DEPUTY                |

JOHN LASZLOFFY  
P.O. Box 476  
Big Bear Lake, Ca 92315  
Telephone: 909-878-0228  
E-mail [lasz07@msn.com](mailto:lasz07@msn.com)  
Plaintiff  
Pro Se

**UNITED STATES DISTRICT COURT**

**for the**

**DISTRICT OF NEVADA**

**LAS VEGAS**

**Civil Division**

JOHN LASZLOFFY,  
Plaintiff,

CINDY ZORAIDA GARCIA,  
and DOES 1 to 20, Inclusive,  
Defendants.

CASE NO. 2:19-cv-01173-JAD-BNW

MOTION FOR RECONSIDERATION  
FOR EXTENSION OF TIME TO PAY  
FILING FEES

Plaintiff John Laszloffy moves this Honorable Court for an Order extending the deadline for Plaintiff to pay filing fees to July 5, 2020, stating in support:

1. Plaintiff living on Social Security filed a Civil complaint filed July 5, 2019.
2. Plaintiff filed his completed (or so he thought) application for filing In forma Pauperis at the same time.
3. Plaintiff received a four (4) page letter from the Courts Clerk office that in forma pauperis applications might take several months to process. That plaintiff was not to contact the court clerks to find out his status.

4. Plaintiff also applied and was granted permission to look up his case under Pacer.gov.
5. For many months, plaintiff once a month looked up his case with no change.
6. On 2/27/2020 the Honorable Magistrate Judge Brenda Weksler ordered the application for in forma pauperis "Denied without prejudice".
7. The Honorable Magistrate Judge Brenda Weksler gave the plaintiff until 3/26/2020 to file a complete in forma pauperis application or payment of filing fees.
8. Plaintiff does not understand what portion of his application is incomplete. He went over it several times at the time of applying..
9. It wasn't until June 1, 2020 that plaintiff went over a portion of his pacer account he didn't know existed and saw the order dated 2/27/2020.
10. Considerable legal research and time has gone into plaintiff's case (copy of partial completion of plaintiff's MEMORANDUM OF AUTHORITIES IN SUPPORT OF PLAINTIFF'S CAUSES OF ACTION enclosed).
11. Plaintiff has borrowed the money for filing fees and is willing to drive to Las Vegas to pay them.
12. Should this Honorable Judge Magistrate grant an Order extending the deadline to pay filing fees, plaintiff will within days drive to Las Vegas Federal District Court (about 31/2 hours away) and pay in person so that there can be no further mistakes.

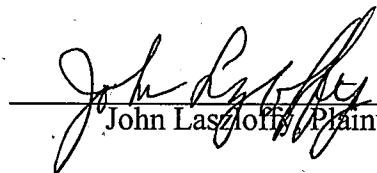
WHEREFORE plaintiff moves this Honorable Court Judge Magistrate Brenda Weksler to enter an Order extending the deadline for plaintiff to pay filing fees to July 5. 2020.

RESPECTFULLY SUBMITTED this 6 day of June, 2020

IT IS ORDERED that ECF No. 9 is GRANTED. Plaintiff shall have until July 5, 2020 to pay the filing fee in this case.

**IT IS SO ORDERED**

**DATED: June 09, 2020**

  
\_\_\_\_\_  
John Laszloff, Plaintiff



**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**

**United States District Court**  
**District of Nevada (Las Vegas)**  
**CIVIL DOCKET FOR CASE #: 2:19-cv-01173-JAD-BNW**

szloffy v. Garcia  
 signed to: Judge Jennifer A. Dorsey  
 referred to: Magistrate Judge Brenda Weksler  
 use: 28:1332 Diversity-Fraud

Date Filed: 07/05/2019  
 Jury Demand: Plaintiff  
 Nature of Suit: 370 Fraud  
 Jurisdiction: Diversity

**Plaintiff****John Laszloffy**

represented by **John Laszloffy**  
 PO Box 476  
 Big Bear Lake, CA 92315  
 (909) 866-3092  
 PRO SE

**Defendant****Andy Zoraida Garcia**

| ate Filed  | #        | Docket Text  |
|------------|----------|--|
| 7/05/2019  |          | Case randomly assigned to Judge Jennifer A. Dorsey and Magistrate Judge Brenda Weksler. (MR) (Entered: 07/08/2019)   |
| 7/05/2019  | <u>1</u> | APPLICATION for Leave to Proceed in forma pauperis by Plaintiff John Laszloffy. (Attachments: # <u>1</u> Complaint, # <u>2</u> Exhibits, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Cover Letter) (MR) <b>Modified on 7/8/2019 to restrict access to <u>1</u> -2 per LR IC 6-1 (MR).</b> (Entered: 07/08/2019)   |
| 7/08/2019  | <u>2</u> | ADVISORY LETTER to litigant. (MR) (Entered: 07/08/2019)  |
| 7/17/2019  | <u>3</u> | MOTION for Pro Se Litigant to File Electronically by Plaintiff John Laszloffy. (JM) (Entered: 07/18/2019)  |
| 8/23/2019  | <u>4</u> | MOTION for Pro Se Litigant to File Electronically, filed by Plaintiff John Laszloffy. (Attachments: # <u>1</u> cover letter) (ADR) (Entered: 08/23/2019)   |
| 10/02/2020 | <u>5</u> | MOTION for Leave to File to File Amended Complaint, filed by Plaintiff John Laszloffy. (Attachments: # <u>1</u> Exhibit) (ADR) <b>Modified on 1/6/2020 to correct filed date (ADR).</b> (Main Document 5 replaced on 1/6/2020) (ADR). (Entered: 01/03/2020)  |
| 2/05/2020  | <u>6</u> | NOTICE of Change of Email Address by Plaintiff John Laszloffy. (ADR) (Entered: 02/05/2020)   |
| 2/27/2020  | <u>7</u> | ORDER. IT IS ORDERED that <u>1</u> plaintiff's Application to Proceed in forma pauperis is DENIED without prejudice. File a complete application to proceed in forma pauperis or Payment of filing fees due 3/26/2020. IT IS FURTHER ORDERED that <u>5</u> plaintiff's motion to file an amended complaint is DENIED without prejudice. IT IS FURTHER ORDERED that <u>3</u> plaintiff's first motion to file electronically is GRANTED. By 3/13/20 plaintiff must file a written certification that she has completed the CM/ECF tutorial. IT IS FURTHER ORDERED that <u>4</u> plaintiff's second motion to file electronically is DENIED as moot.<br>Signed by Magistrate Judge Brenda Weksler on 2/20/2020. (Copies have been distributed pursuant to the NEF - ADR) (Entered: 02/28/2020) |

JOHN LASZLOFFY  
P.O. Box 476  
Big Bear Lake, Ca 92315  
Telephone: 909-866-3092  
E-mail [lasz07@msn.com](mailto:lasz07@msn.com)  
Plaintiff  
Pro Se

UNITED STATES DISTRICT COURT

for the

DISTRICT OF NEVADA

LAS VEGAS

Civil Division

CASE NO. 2:19-cv-01173-JAD-BNW

JOHN LASZLOFFY,  
Plaintiff,

v.

CINDY ZORAIDA GARCIA,  
and DOES 1 to 20, Inclusive,  
Defendants.

MEMORANDUM OF AUTHORITIES IN SUPPORT OF PLAINTIFF'S CAUSES OF ACTION

In diversity cases, federal courts must apply the substantive law of the forum state. Kabatoff v. Safeco Ins. Co. of America, 627 F.2d 207, 209 (9<sup>th</sup> Cir. 1980); King v. Penrod Co., 652 F. Supp. 1331, 1333 (D.Nev. 1987). In this instant case, Nevada is the forum state because all the defendants' allegedly tortious conduct occurred in Nevada.

"Federal courts ordinarily follow state law in determining the bounds of their jurisdiction over persons." Daimler AG v. Bauman, 571 U.S. \_\_\_, \_\_\_, 134 S.Ct. 746, 753, \_\_\_ L.Ed.2d \_\_\_ (2014).

In applying Nevada's substantive law, "[T]he task of this court is to approximate state law as closely as possible." Truck Ins. Exchange v. Tetzlaff, 683 F.Supp. 223, 227 (D.S.Nev.

1988) (citing Gee v. Tennaco, Inc. 615 F.2d 847, 861 (9<sup>th</sup> Cir. 1980)). If Nevada's high court has not decided a particular issue, "this Court must predict how the state high court would resolve it." *Id* (citing Dimidowich v. Bell & Howell, 803 F.2d 1482 (9<sup>th</sup> Cir. 1986), modified, 810 F.2d 1517 (9<sup>th</sup> Cir. 1987)). Furthermore, this Court must apply Nevada law as it is, not as it ought to be. Klingebiel v. Lockheed Aircraft Corp., 494 F.2d 345, 346-47 (9<sup>th</sup> Cir. 1974; Southern Pacific Transp. Co. v. United States, 462 F.Supp. 1227, 1233 (E.D.Cal. 1978). This Court is not free to predict possible changes in the law. Moore v. R.G. Indus., Inc. 789 F.2d 1326, 1327 (9<sup>th</sup> Cir. 1986). Nor are we free to engraft upon prior state decisions exceptions or modifications that have not been adopted by the state courts. See Stancil v. Mergenthaler Linotype Co., 589 F.Supp. 78, 81 (D.Haw. 1984); See also Day & Zimmermann, Inc. V. Chaloner, 423 U.S. 3, 4, 96 S.Ct. 167, 168, 46 L.Ed.2d 3 (1975).

#### FIRST CAUSE OF ACTION

1. Deceit; Fraud and Extortion
2. [70]"Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive another person of his rights or property or to otherwise injure another person." Bongiovi v. Sullivan, 122 Nev. Adv. Op. 52 - Nevada Supreme Court, 2006. Cited by 88.
3. "Fraud means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive another person of his or her rights or property or to otherwise injure another person." Nev. Rev. Stat. 42.001(2)
4. "Fraud, deceit and defraud are not limited to common-law fraud or deceit." Nev. Rev. Stat. 90.245.
5. "Whenever an intent to defraud: (1) Shall be made an element of an offense, it shall be sufficient if an intent to defraud any person, association or body politic or corporation, whatever." Nev. Rev. Stat. 193.040(1).
6. "'Insurance fraud" defined. "Insurance fraud" means knowingly and willfully: (2)

“Presenting or causing to be presented any statement as a part of, or in support of, a claim for payment or any other benefits under a policy of insurance issued pursuant to this title, if the person who presents or causes the presentation of the statement conceals or omits facts, or contains false or misleading information concerning any fact material to that claim.” Nev. Rev. Stat. 686A.2815(2).

## SECOND CAUSE OF ACTION

7. Emotional Distress; Depression; Loss of Sleep
8. He said that he had suffered mentally and emotionally ... allegedly made about other doctors, Sullivan correctly argues that the statements were introduced to show Bongiovi's mental state, such as ... Sullivan also testified that the incident had a profound emotional impact on him ... Bongiovi v. Sullivan, 122 Nev. Adv. Op. 52 - Nevada Supreme Court, 2006. Cited by 88.
9. “Emotional difficulties, too, can be compensated.” How to Win Your Personal Injury Claim. 9<sup>th</sup> Edition, Page 174. See plaintiff's complaint exhibit 5.

## THIRD CAUSE OF ACTION

10. Loss of Reputation
11. [48]General damages are those that are awarded for “loss of reputation, shame, mortification and hurt feelings.” [49]General damages are presumed upon proof of the defamation alone because the proof establishes amount for present and future injury to the plaintiff's reputation and “because of the impossibility of affixing an exact monetary amount for present and future injury to the plaintiff's reputation, wounded feelings and humiliation, loss of business, and any consequential physical illness or pain. Bongiovi v. Sullivan, 122 Nev. Adv. Op. 52 - Nevada Supreme Court, 2006. Cited by 88.

## FORTH CAUSE OF ACTION

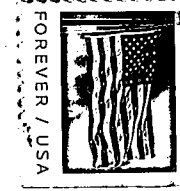
12. Conspiracy to Intimidate: Defamation: Libel; Slander
13. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in

any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; 18 U.S.C §241.

John Laszloffy  
P.O. Box 476  
Big Bear Lake, Ca 92315

|                             |          |
|-----------------------------|----------|
| FILED                       | RECEIVED |
| ENTERED                     | STAFFED  |
| COUNSEL/ATTORNEYS OF RECORD |          |
| JUN - 8 2020                |          |
| CLERK US DISTRICT COURT     |          |
| DISTRICT OF NEVADA          |          |
| BY:                         | RECEIVED |

U.S. District Court  
Honorable Judge Magistrate  
Brenda Wekler  
333 Las Vegas Boulevard South, Room 1334  
Las Vegas, Nv 89101



BS101\$7069 COT5

